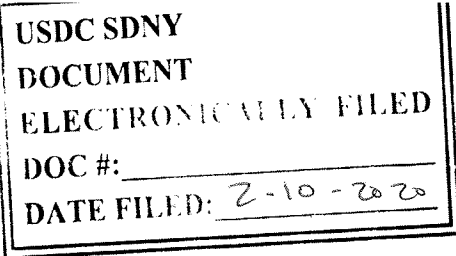


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X	:	19-cv-610 (LJL) (RWL)
JOSH WEBBER et al.,	:	
	:	
Plaintiffs,	:	<b><u>ORDER</u></b>
	:	
- against -	:	
	:	
DAMON ANTHONY DASH et al.,	:	
	:	
Defendants.	:	
-----X	:	

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

By letter dated January 31, 2020, Plaintiffs requested that the Court hold Defendants in contempt for violating the Preliminary Injunction entered February 25, 2019. (Dkt. 126.) The Preliminary Injunction, which remains in place, prohibits Defendants "from marketing, advertising, or publicly promoting" the Film at issue in this case (i.e., "The List" a/k/a "Dear Frank") "in any fashion during the pendency of this case." (Dkt. 46 at 16.) Plaintiff's January 31, 2020 letter charges Defendants with continuing to market a trailer for the Film on social media, and attaches copies of social media posts dated September 27, 2017 that promote the Film and which apparently remain posted. Defendants have not responded.

The postings at issue violate the Preliminary Injunction to the extent they are still posted on social media. However, the Court has no affidavit or other admissible evidence before it by which to determine the current state of affairs. Accordingly, the Court does find it appropriate to find Defendants in contempt at this time. However, to the extent the posts have not otherwise been removed, the Court hereby orders Defendants to remove them no later than February 12, 2020. Failure to comply with this Order, as well as any

further violation of the terms of the Preliminary Injunction will be deemed contempt of court and subject to sanctions. See *Brooks v. Dash*, No. 19-cv-1944 at Dkt. 62 (S.D.N.Y.) (similar order issued by Judge Rakoff).

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: February 10, 2020  
New York, New York